

**PATENT**

Docket No.: 396168

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

*In re reissue application of Proctor*

Reissue Application No. 09/773,303 P E



Filed: 31 January 2001

For: U.S. Patent No. 5,894,079

In re Proctor Reexamination Proceeding

Control No. 90/005,892

Filed: December 20, 2000

For: U.S. Patent No. 5,894,079

Title: FIELD BEAN CULTIVAR NAMED ENOLA

Group Art Unit: 1638 ✓

Examiner: Nelson, Amy J.

Confirmation No. 6243

TC 1638

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TECH CENTER 1600/2900

Date: 25 March 2003

BOX REEXAM  
Commissioner for Patents  
Washington, DC 20231

**AMENDMENT**

Sir:

The Patent Owner responds as follows to the Office Action mailed September 25, 2002 in this consolidated reissue/reexamination proceeding. A duplicate copy of the materials submitted today for inclusion in the reissue file is enclosed for inclusion in the reexamination file.

Respectfully submitted

  
Dr. G. C. Joshi, Reg. No. 06-106

Dan Cleveland, Reg. No. 36,106

Lathrop & Gage, L.C.  
4845 Pearl East Circle, Suite 300  
Boulder, CO 80301  
(720) 931-3012  
(720) 931-3001 (fax)

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Page 2 of 3

**Response to Office Action mailed 25 September 2002 for U.S. Serial No. 09/773,303  
FIELD BEAN CULTIVAR NAMED ENOLA**

BLDRDOCS 69331v3



**CERTIFICATE OF SERVICE**  
**37 C.F.R. §1.248**

The undersigned certifies that on March 25, 2003, a copy of the foregoing amendment including all attachments was mailed by first class mail bearing sufficient postage to:

Dr. John H. Dodds  
Dodds & Associates  
1707 N. St. NW  
Washington, D.C. 20036

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The attachments include those specified in the amendment, additionally including a Petition for Four Month Extension of Time, Transmittal, Fee transmittal, Certificate of Mailing, Power of Attorney, Revocation of Power, drawings, Declaration of Polly Proctor, Declaration of Laura Conley, Bassett article, and Declaration of Larry Proctor.

  
By Dan Cleveland, Jr.

3/25/03  
Date

2003 SEP 26 PM 10:20

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Date: 25 March 2003

BOX REISSUE  
Commissioner for Patents  
Washington, DC 20231

AMENDMENT

Sir:

The Patent Owner responds as follows to the Office Action mailed September 25, 2002 in this consolidated reissue/reexamination proceeding. The Patent Owner respectfully requests consideration of this amendment in response to the non-final Office Action mailed September 25, 2002. This amendment addresses the offer to surrender, the drawings, the election/restriction requirements, and claim informalities. It further addresses the 35 U.S.C. §112 rejections of claims 8-15, 51, 52 and 54-58, as well as the rejections of the same claims under 35 U.S.C. §102/103. Finally, this amendment addresses the Examiner's Request for Information.

A Petition for four Month Extension of Time is enclosed, as is a check in the amount of \$725 Additional fees may be charged to deposit account 12-6000.

Two copies of this response are included, one for inclusion in the reissue proceeding and another for inclusion in the reexamination proceeding.

Please find attached to this amendment a Revocation of Power of Attorney and a New Power to the undersigned attorney.

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